

PROB 12B
(7/93)

United States District Court
for
District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Nelson Perez

Cr.:07-585

Name of Judicial Officer: William H. Walls, U.S.D.J.

Date of Original Sentence: 11/16/06

Original Offense: Use of Counterfeit Access Device and Possession of 15 or More Counterfeit Access Devices

Original Sentence: Concurrent 12 months and 1 day imprisonment terms followed by 2 year period of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: 04/19/07

PETITIONING THE COURT

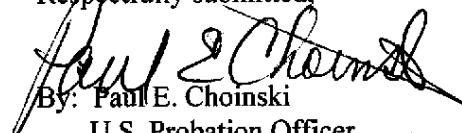
[X] To modify the conditions of supervision as follows:

The defendant shall reside for a period of 4 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

CAUSE

On May 14, 2007 and November 30, 2007, Perez submitted urine specimens that tested positive for heroin use. Additionally, Perez has failed to make restitution payments; failed to report to the probation office as instructed; failed to fully comply with this district's drug testing program; failed to fully comply with substance abuse treatment; and on November 29, 2007 was found to be in possession drug paraphernalia.

Respectfully submitted,


By: Paul E. Choinski
U.S. Probation Officer

Date: 12/15/07

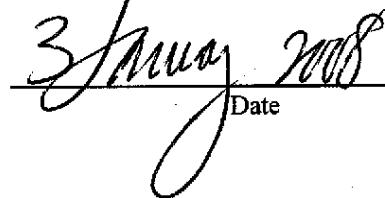


THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No Action
 Other



Signature of Judicial Officer



Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

The defendant shall reside for a period of 4 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

Witness:

Paul E. Ohnesorg
U.S. Probation Officer

Signed:

Nelson Perez
Probationer or Supervised Releasee
Nelson Perez

11/30/07
DATE

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS
MATTHEW F. MILLER
THOMAS C. MILLER

December 15, 2007

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The Honorable William H. Walls, U.S.D.J.
Martin Luther King Federal Building &
U.S. Courthouse
50 Walnut Street, Room 2564
P.O. Box 999
Newark, New Jersey 07101-0999

RE: U.S. v. Nelson Perez
Dkt. No. 07-585

Notice of Non-Compliant Behavior &
Request for Modifications of Supervision
Conditions

Dear Judge Walls:

On November 16, 2006, Nelson Perez was sentenced in the Northern District of Indiana by the Honorable James T. Moody, U.S. District Judge, to concurrent 12 month and one day terms of imprisonment for separate counts of use of counterfeit access device and possession of 15 or more counterfeit access devices. Judge Moody ordered Perez to serve a two year period of supervised release, pay \$3,165.98 in restitution, and abide by the special conditions of full financial disclosure, substance abuse treatment/urinalysis and no new debt/lines of credit. On April 19, 2007, Perez was released from the custody of the Bureau of Prisons and his period of federal supervision commenced. Inasmuch as Perez resides in Newark, New Jersey, supervision was assumed by this probation office with a transfer of jurisdiction following shortly thereafter.

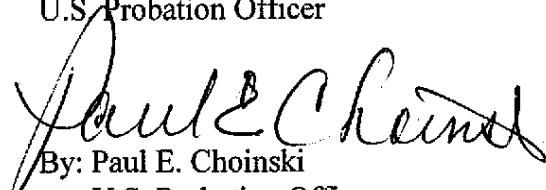
The purpose of this letter is to report Perez's non-compliance with the conditions of his supervision and to request a modification of those conditions. Since the commencement of supervision the offender has: tested positive twice for heroin use; failed to make restitution payments; failed to report to the probation office as directed; failed to fully comply with this district's drug testing program; failed to fully comply with substance abuse treatment; and was found to be in possession drug paraphernalia.

The foregoing evidence of ongoing non-compliant behavior demonstrates Perez's complete disregard for the conditions of his supervision and the authority of the court. Given the facts of this case, and taking into consideration the nature of the above violations, it appears that a violation hearing may be warranted. However, we are recommending that an immediate sanction be imposed based on these violations thus avoiding court proceedings. We recommend that the court approve a sentence modification to include a four month period of community confinement.

As indicated by the enclosed Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, Perez has agreed to the modification and has waived his right to a hearing. Therefore, unless Your Honor considers otherwise, we ask that you review the enclosed documents and sign the Probation Form 12B authorizing the modifications. If Your Honor requests an alternative course of action, please advise. We will make ourselves available should the Court wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer



Paul E. Choinski

By: Paul E. Choinski
U.S. Probation Officer



Enclosure(s)